



801 ESTELLE DRIVE LANCASTER, PENNSYLVANIA 17601

TELEPHONE (717) 892-3000 FACSIMILE (717) 892-1200 rodanast@rodanast.com

June 17, 2011

VIA FACSIMILE (215) 751-2205

Jerome J. Shestack, Esquire
Special Discovery Master
Schnader Harrison Segal & Lewis, LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103

Re: Avandia Plaintiffs' State Liaison Report No.12

Dear Special Master Shestack:

This is Plaintiffs' State Liaison Report No. 12 concerning Avandia cases pending in state courts in Pennsylvania, California, New Mexico, Illinois, Alabama and Missouri.

Pennsylvania

As of Monday, June 13, 2011, there are approximately twenty-seven (27) cases still pending in the Philadelphia County Court of Common Pleas. In addition, approximately nine hundred thirteen (913) cases have settled.

A status conference was held on Tuesday, June 14, 2011. On that date, Judge Moss set eight (8) cases for trial: three (3) for October, three (3) for November and two (2) for December, 2011. Additionally, Judge Moss was informed there are approximately one-hundred (100) ~~more~~ cases that may be filed if those cases are not resolved.

MR.J.

There was also a status conference on Wednesday, May 11, 2011. On that date, the primary discussion included settlement of the remaining cases.

The next status conference is scheduled for Wednesday, July 13, 2011 at 9:30 a.m.

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California

As of Monday, June 13, 2011, there were eighty-three (83) actions pending in California state court that include three thousand, one hundred seventeen (3,117) Plaintiffs. In addition, to date, sixty-eight (68) actions, which include approximately two thousand, three hundred seventy-five (2,375) Plaintiffs, have settled.

The cases are coordinated before the Honorable Elihu M. Berle in Los Angeles County. (Superior Court of Los Angeles, Central Civil West Courthouse, 600 South Commonwealth Avenue, Los Angeles, California 90005. Telephone: (213) 351-8501.)

The first Avandia trial is scheduled to begin Monday, November 28, 2011. Plaintiffs intend to ask the court to set additional trial dates in 2012.

A status conference was held before the Honorable Elihu M. Berle on Wednesday, May 11, 2011. On that date, the parties discussed the selection of cases for trial. During the conference, Judge Berle ordered the Defendants to complete their trial selections by Tuesday, May 31, 2011. The Defendants notified the court on May 31, 2011 of the eight (8) cases Defendants selected for trial. The Plaintiffs had previously selected eight (8) cases for trial.

Additionally, Judge Berle granted Plaintiffs' request to propound discovery related to Avandia sales and marketing, which includes noticing the depositions of six (6) third-party witnesses. Any objections to the discovery requests will be heard at the next status conference.

As noted in a prior report, Judge Berle established discovery and trial schedules for Discovery Group 1 cases. Fact discovery is to be completed by Wednesday, August 31, 2011 and expert discovery by Monday, October 31, 2011. Motions for summary judgment, motions in limine and final status conference documents are due by Friday, October 28, 2011. The final status conference is scheduled for Tuesday, November 15, 2011.

To date, twenty-four (24) Plaintiff and physician depositions have been taken in California.

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A status conference was held on Thursday, June 16, 2011. If there is information to report to the Court concerning that conference, we will provide it at the status conference before Your Honor on Tuesday, June 21, 2011.

New Mexico

As of Monday, June 13, 2011, there are five (5) actions pending in New Mexico state courts, which include fourteen (14) Plaintiffs. In addition, five (5) actions, including one hundred seventeen (117) Plaintiffs, have settled.

Of the five (5) actions that remain pending, three (3) are pending in the First Judicial District Court, Santa Fe County. Two (2) cases, *Garcia v. SmithKline Beecham (formerly Bateman v. SmithKline Beecham)* and *Nevarez v. SmithKline Beecham* are assigned to the Honorable Raymond Z. Ortiz (Telephone: (505) 455-8165). One (1) case, *Smith v. SmithKline Beecham*, has been assigned to the Honorable Stephen D. Pfeiffer (Telephone: (505) 445-8175). One (1) case, *Esquivel v. SmithKline Beecham*, is assigned to the Honorable Abigail Aragon (Fourth Judicial District Court, 496 W. National Avenue, Las Vegas, New Mexico 87701. Telephone: (505) 425-3900). One (1) case, *Lascano v. GSK*, has not yet been assigned to a judge.

As noted in a prior report, the two cases pending before the Honorable Raymond Z. Ortiz are currently scheduled for trial: *Garcia* is scheduled to begin on Monday, November 21, 2011 and *Nevarez* is scheduled to begin on Monday, March 12, 2012.

To date, eight (8) Plaintiff and six (6) current and former GSK employee depositions have been taken in the *Garcia* and *Nevarez* cases. One additional employee deposition is scheduled for July 1, 2011. Additionally, physician and sales representative depositions are scheduled during June 2011 in the *Garcia* case. The parties are currently scheduling physician and sales representative depositions in the *Nevarez* case.

Defendants' Motion to Dismiss the *Garcia* case for improper venue is pending at this time. A hearing on this motion has not yet been scheduled. Defendants' Motions for Protective Orders regarding Plaintiffs' written discovery in the *Garcia* and *Nevarez* cases were recently withdrawn.

Status conferences are not currently scheduled in any of the New Mexico cases.

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Illinois

As of Monday, June 13, 2011, there were ten (10) actions pending in Illinois state court, which include eight hundred forty-three (843) Plaintiffs. All cases are pending in St. Clair County.

Of the ten (10) pending actions, eight (8) have been assigned to three (3) different St. Clair County judges: the Honorable Patrick Young (Telephone: (618) 825-2593 (courtroom) or (618) 825-2311 (Judge Young's clerk)); the Honorable Michael J. O'Malley (Telephone: (618) 825-2594 (courtroom) or (618) 825-2318 (Judge O'Malley's clerk)); and the Honorable Lloyd A. Cueto (Telephone: (618) 825-2595 (courtroom) or (618) 825-2328 (Judge Cueto's clerk)). (St. Clair County Courthouse, 10 Public Square, Belleville, Illinois 62220-1623.) Two (2) cases have not yet been assigned to a judge.

No Plaintiff, physician, or Defendant depositions have been taken.

The first trial in Illinois state court has not yet been scheduled.

There are three (3) motions pending at this time: Defendants' Motion to Sever and Motion to Dismiss Based on Forum Non Conveniens, and Plaintiffs' Motion to Compel Defendants' Discovery Responses.

Status conferences are not currently scheduled in any of the Illinois cases.

Alabama

As of Monday, June 13, 2011, there were two (2) actions pending in Alabama state courts, which include six (6) Plaintiffs. The two (2) actions are filed in two (2) different Alabama counties.

Battle v. GSK is assigned to the Honorable Houston L. Brown (Circuit Court of Jefferson County, 716 Richard Arrington, Jr. Boulevard N, Birmingham, Alabama 35203. Telephone: (205) 325-5367). This action is currently subject to an agreement to settle.

The other action, *Adamson v. GSK*, is assigned to the Honorable W. Keith Watkins (Circuit Court of Randolph County, 1 Main Street South, Wedowee, Alabama 36278. Telephone: (256) 357-4551).

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No Plaintiff, physician, or Defendant depositions have been taken.

Status conferences are not currently scheduled for any Alabama cases.

Missouri

As of Monday, June 13, 2011, there were thirty-seven (37) actions filed in Missouri state court on behalf of approximately three thousand, five-hundred (3,500) Plaintiffs. The Honorable Stephen R. Ohmer presides over all thirty-seven (37) actions (Telephone: (314) 622-5606). To assist with pre-trial matters, the Honorable Mark H. Neill has been assigned to twenty-eight (28) actions and the Honorable Joan Moriarty has been assigned to nine (9) actions. (Telephone: Judge Neill: (314) 622-4802; Judge Moriarty: (314) 622-4927.) (Circuit Court for the City of St. Louis, 10 North Tucker Boulevard, St. Louis, Missouri 63101.)

As noted in a previous report, the Defendants filed removals in a number of cases, and all but one of the removed cases have been remanded to state court.

Additionally, Plaintiffs' Motion for a Scheduling Order, Defendants' Motions to Compel Discovery and appointment of a special master remain pending.

No Plaintiff, physician, or Defendant depositions have been taken.

Status conferences are not currently scheduled for any Missouri cases.

Respectfully,



DMN/jem

cc: The Honorable Cynthia M. Rufe (via facsimile (267) 299-5077)
Bruce P. Merenstein, Esquire (via facsimile (215) 972-7266)
Nina M. Gussack, Esquire (via facsimile (215) 981-4750)
Joseph C. Crawford, Esquire (via facsimile (215) 981-4750)
Vance R. Andrus, Esquire (via facsimile (303) 376-6361)
Bryan F. Aylstock, Esquire (via facsimile (850) 916-7449)

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Joseph J. Zonies, Esquire (via facsimile (303) 893-6110)
Thomas P. Cartmell, Esquire (via facsimile (816) 531-2372)
Paul R. Kiesel, Esquire (via facsimile (310) 854-0812)
Samuel W. Lanham, Esquire (via facsimile (207) 941-8818)
Thomas E. Mellon, Esquire (via facsimile (215) 348-0171)

to be filed
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